

**EXCERPTED DEPO.  
TRANSCRIPT OF  
MAYRA PENA**

Mayra F. Pena - November 3, 2016

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EXHIBIT M (DEFENDANT'S EXHIBIT M  
MARKED FOR IDENTIFICATION)

Q. Ms. Pena, Exhibit M is your application summary that we received from Social Security after you authorized them to release it to us. In the middle of the page it says, "I became unable to work because of my disabling condition on March 8, 2013." How is it -- strike that. Did someone advise you to use the date March 8, 2013 on your application?

A. The thing is that from that date, the dose of medication for the depression was increased, and also I also got four more pills because of the tachycardia, and also I got medication to help me sleep.

Q. You say right after that sentence, "I am still disabled." When you said in the sentence, you know, "I became unable to work because of my disabling condition," did you mean that you were

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1           unable to do any work?

2           A.    Yes, at that time when I stated that, yes,  
3           because I was under a lot of medications, and my  
4           depression increased.

5       Q.    Okay. And as we've already discussed, your  
6           application has been approved, and Social Security  
7           found that you are fully disabled and, therefore,  
8           unable to work; do you understand that?

9           A.    Yes.

10                           EXHIBIT N (DEFENDANT'S EXHIBIT N  
11                           MARKED FOR IDENTIFICATION)

12       Q.    Ms. Pena, Exhibit N is the decision of the  
13           Administrative Law Judge from Social Security  
14           regarding your application for disability  
15           benefits. On the last page it says next to Number  
16           5, "The claimant has been under a disability as  
17           defined in the Social Security Act since March  
18           8th, 2013, the alleged onset date of disability";  
19           do you see that? Do you understand that to mean  
20           that the administrative law judge is saying that  
21           he has determined that you are unable to perform  
22           any sort of work and have been in that situation  
23           since March 8, 2013?

24           A.    Yes.

25       Q.    So you agree that since March 8, 2013 you have

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1           been unable to perform any work?

2           A.     Yes.

3       Q.     Do you understand that when you make a claim of  
4           disability discrimination, you are alleging that  
5           if you had received an accommodation, you could  
6           have performed your job?

7                       MS. CONNOR:  Objection.  Legal  
8           conclusion.

9           A.     I was doing quite well, and they were the  
10          ones that harmed me.

11       Q.     But you're saying they harmed you as of the first  
12          day you went out?

13       A.     They ended up hurting me by not accommodating  
14          me, and I felt useless after.

15       Q.     But that took place after March 8th, correct?

16       A.     Yes.

17       Q.     Okay.  In the decision the -- do you need to take  
18          a few minutes?

19       A.     No.

20       Q.     On the third page of the decision, at the bottom  
21          next to Number 3 it says, "The claimant has the  
22          following severe impairment:  Somatoform  
23          disorder."  You may not know the answer to this,  
24          but do you know what a somatoform disorder is?

25                       MS. CONNOR:  Objection.  Legal

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1 conclusion.

2 A. No.

3 Q. Okay. As you know, we've talked about the fact  
4 that you -- strike that. You filed for bankruptcy  
5 in September of 2014, correct?

6 A. Yes.

7 Q. And we don't need to make this an exhibit, but in  
8 your application you indicate that you are not  
9 employed and that you are disabled, correct?

10 A. Yes. I was waiting for the decision from  
11 disability.

12 MR. McNAMARA: I understand.

13 Q. Ms. Pena, can you explain why on the one hand you  
14 applied for disability benefits and said that you  
15 were unable to work at all as of March 8, 2013 and  
16 that was found to be accurate, and on the other  
17 hand you then assert a claim against Honeywell,  
18 which includes an assertion that if you had been  
19 given an accommodation, you could have done your  
20 job? Can you explain that to me?

21 THE WITNESS: About the lawsuit when  
22 I went to see them?

23 MR. McNAMARA: Yes.

24 A. I went to see them, but they asked me, Do you  
25 want to go back to work, and I said, I don't want

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1 to see these people ever anymore.

2 Q. Who said that?

3 A. My daughter. I told my daughter to tell the  
4 lawyer that.

5 Q. I understand that. But that's not what I'm  
6 asking. What I'm asking is on the one hand you  
7 agreed that you applied for Social Security  
8 Disability benefits, and in that you said that you  
9 were completely unable to work as of March 8,  
10 2013, correct?

11 A. In September.

12 Q. In September you applied but you said that as of  
13 March 8th?

14 A. No. When you fill out the application, they  
15 ask you when was your last day of work.

16 Q. That's not what the application says. The  
17 application says, "I became unable to work  
18 because" --

19 THE WITNESS: Which application?

20 MR. McNAMARA: Exhibit M.

21 A. I applied with the help of a lawyer. It was  
22 with a lawyer that I applied for Social Security.

23 Q. But in any event, you are saying on the one hand  
24 that you are completely unable to work, correct?

25 A. Yes.

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1 Q. And on the other hand, your complaint against  
2 Honeywell says that you could have done your job  
3 if you had received an accommodation.

4 A. When I was seeing Veronica Kot, I wanted my  
5 job back.

6 Q. Are you saying that during that period you could  
7 have worked?

8 A. No. After that, since I was denied the  
9 accommodation, then my depression started to get  
10 worse and worse.

11 Q. So, you were receiving Social Security Disability  
12 benefits effectively retroactive to March 8, 2013,  
13 correct?

14 A. About eight or nine months ago I received  
15 that.

16 Q. Right. But the benefits are retroactive to March  
17 8, 2013, correct?

18 A. They haven't paid that to me yet, but they  
19 claim -- they said I do -- I'm entitled to that.

20 Q. Right. And those are part of the documents you  
21 said you've got, and you will give to Ms. Connor,  
22 and she will give them to me.

23 A. And because according to the computer,  
24 Honeywell was giving me compensation, and that  
25 wasn't happening.

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1 Q. At what point did you become unable to work at  
2 all?

3 A. The same moment that they denied me my job  
4 without accommodating me, without any need to do  
5 that.

6 Q. Was that on March 8, 2013?

7 A. For about four or five months during the time  
8 that the lawyer was in constant communication with  
9 them, and they were declining.

10 Q. So, you can't tell me at what point specifically  
11 you became completely unable to work?

12 A. From the very first time they sent me to the  
13 molding room, then my depression increased, and I  
14 saw the psychiatrist. He sent the first letter,  
15 and from that point on it's been getting worse.

16 Q. Okay. I'll just try it once more. So at what  
17 point -- I understand you're saying that there was  
18 an escalation of your depression, I understand  
19 that. At what point did it reach the point where  
20 you were no longer able to work at all?

21 A. I cannot be around a lot of people. I am  
22 bothered by even the noise from my grandchildren.  
23 I was able to drive to New York before all by  
24 myself, and I can't do that anymore.

25 MR. McNAMARA: I understand all that.



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1           A.    They messed up my life. My life is all  
2           messed up.

3       Q.    But I'm looking to see if you can give me even an  
4           approximate date when you were no longer able to  
5           work at all.

6           A.    When I was kicked out of that place, I had to  
7           go see the psychiatrist, and that's when I started  
8           having panic attacks, and he started giving me new  
9           medication and increasing the dose. He said to me  
10          you can no longer work because you are sleeping  
11          during the day.

12       Q.    And when you say you were kicked out, are you  
13           referring to March 8th when you were sent home?

14           A.    From that point on, that's when I started  
15           getting worse. Every time the lawyer would tell  
16           me that she would send letters, and then they  
17           would decline, it got worse.

18       Q.    Were there any other stressors in your life at  
19           that point, Ms. Pena, that would affect your  
20           mental health?

21           A.    Not that I can recall.

22       Q.    You said you have four children?

23           A.    Yes.

24       Q.    Two daughters and two sons?

25           A.    Yes.

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1 Q. Were either/or both of your sons, did they have  
2 trouble with the law around then?

3 A. Not that I'm aware of. Whatever problem that  
4 they have, I don't take it up in myself.

5 Q. You never told Dr. Greer that your sons had been  
6 arrested and that was causing you stress?

7 A. That was way before that.

8 Q. When was that?

9 A. I don't recall exactly when, but it could  
10 have been eight or nine months prior.

11 Q. Did either/or both of your sons have to go to jail  
12 for any period of time then?

13 A. Yes.

14 Q. How long did they have to go?

15 A. Okay, the one who -- the youngest one, he was  
16 a minor, he ended up in the Training School.

17 Q. And for how long?

18 A. Six months.

19 Q. And did your other son ever have any problems with  
20 the law?

21 A. They both have legal problems, at the present  
22 time they do.

23 Q. Okay. So both your sons have had problems with  
24 the law over the last few years?

25 A. No. It was recently, about two or three

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1 months ago they had some problems. Both of them  
2 are incarcerated now, but I won't pay any mind to  
3 it. About two or three months.

4 Q. Just a couple more questions and we're done for  
5 now.

6 THE WITNESS: That's the reason in  
7 the medical record I instructed them not to  
8 mention things that had to do with my personal and  
9 private life because they don't need to know  
10 things, personal things about my life.

11 Q. Since leaving Honeywell, have you applied for any  
12 other work?

13 A. No, not at all. That's when I mentioned that  
14 my depression has gotten worse.

15 MR. McNAMARA: I think we'll suspend  
16 for now and, Alicia, you're going to see about  
17 that second note that neither you or I seem to  
18 have, and about communications from Social  
19 Security, and if I need to bring her back, it  
20 would only be for maybe an hour or so.

21 MS. CONNOR: I just have a couple of  
22 questions, too, regarding the notes. I think  
23 there may be confusion regarding dates and order  
24 because one of the documents you produced as an  
25 exhibit today references the second note as the

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1 note that we believe is the second note rather  
2 than there being one in the middle, but I will  
3 confirm to make sure.

4 MR. McNAMARA: If we can figure that  
5 out, that would be great. Thanks.

6 EXAMINATION BY MS. CONNOR

7 Q. So, on March 8, could you work in the molding room  
8 if they asked you to?

9 A. No, I couldn't. I got a panic attack that  
10 same day when I had taken that letter that does  
11 not appear, and I was unable to work.

12 Q. If Honeywell had agreed to put you back in HEPA,  
13 would you have been able to perform that job?

14 A. That's why the lawyer was fighting for me to  
15 be able to get back to my job.

16 Q. And when did your doctor increase your medications  
17 because of the symptoms you just described?

18 A. After March 8th, after going through all  
19 these problems.

20 MS. CONNOR: That's all I have.

21 MR. McNAMARA: That's it.

22 (DEPOSITION ADJOURNED AT 2:36 P.M.)

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